



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,777	02/18/2004	Yi-Fang Chou	0941-0916P	1635
2292	7590	01/26/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, TRAN N	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,777

Applicant(s)

CHOU ET AL.

Examiner

Tran N. Nguyen

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) 9-19 is/are withdrawn from consideration.
 5) ☒ Claim(s) 20 and 21 is/are allowed.
 6) ☐ Claim(s) 1,2,5,6 and 8 is/are rejected.
 7) ☒ Claim(s) 3,4 and 7 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Response to Arguments

Applicant's arguments, filed 11/09/05, have been fully considered. The following is the Examiner's responses.

The applicant argument raises two points:

(1) *Ueda's motor outer yoke 7 is simply a case to surround the motor main body 2. It is therefore respectfully submitted that Ueda does not teach or imply the metal plate being disposed in the hub, as set forth in independent claim 1 of the present application;*

(2) *Ueda discloses an inner rotor type motor, and the present application discloses an outer rotor. On the contrary, during operation of the present application, the hub, the metal plate and the magnet all rotate together. The dynamo electric machine of Ueda and that of the present application therefore have completely different arrangements compare to the present application.*

In response to the applicant's arguments, the Examiner's position has been that the AAPA fig 1 does disclose the overall structure of the motor substantially similar to the claimed invention in the present application, particularly the ring-shaped metal plate (12) and the magnet (13) disposed in the metal plate (AAPA fig 1). Therefore, the arrangements of the motor are disclosed by AAPA fig 1. The Examiner relies on Ueda ref for the teaching of configuring a **ring-shaped metal plate (7) having two ends (8, 9) with interlocking features (8a-b, 9a-b) (figs 3-4) for tightly abutting the magnet without requiring precise manufacturing control of relative dimensions** and minimizing an increase in a total weight of the dynamo-electric machine.

The applicant's remarks point out the Ueda's motor ring-shape metal plate (7) is simply a case to surround the motor main body, and Ueda discloses an inner rotor type motor, and the present application discloses an outer rotor, as well as, the dynamo electric machine of Ueda and that of the present application therefore have completely different arrangements compare to the present application. This argument is not persuasive because the Examiner's position is not the suggestion of physically combined the two structures of the two motors thereof, but rather

Art Unit: 2834

applying the essential teaching of Ueda's configuration of two ends with interlocking features of the ring-shaped metal plate.

The applicant's argumentative points seem to suggest body incorporating the motor's structure of the Ueda's and the present claimed invention. Those skilled in the art would understand that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Thus, the applicant's remarks have been carefully considered, the rejections against claims 1-2, 5-6, and 8 are maintained. However, the applicant's remarks regarding the inventive features as recited in claims 3 and 7, as well as in newly added claims 20 and 21 are found valid and persuasive. Therefore, claims 3-4, 7, and 20-21 are indicated with allowable subject matter herein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-2, 5-6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art fig 1(hereafter **AAPA fig 1**) in view of **Ueda** (US PgPub 2001/0048259).

AAPA fig 1 discloses a motor rotor adapted to be used in a fan, comprising:
a hub (11); a metal plate (12) having a ring shape to be disposed in the hub; and wherein the hub is ring-shaped and has a flange extending toward the center of the hub to support the metal plate;

Art Unit: 2834

and at least one blade (112) is disposed at the exterior periphery of the hub; a magnet (13) disposed in the metal plate (12).

AAPA fig 1 substantially discloses the claimed invention, except for the limitations of the metal plate having first and second ends wherein first and second ends are engaged together to form an occlusive seam to shape the metal plate as a ring.

Ueda, however, discloses a metal ring (7) having two ends (8, 9) with interlocking features (8a-b, 9a-b) (figs 3-4) for providing the metal ring, as the magnet's yoke ring tightly abutted to the housing without requiring precise manufacturing control of relative dimensions of the housing or the metal plate and which also minimizes an increase in a total weight of the dynamo-electric machine.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the motor by configuring the metal plate with two ends that are engaged together to form an occlusive seam to shape the metal plate as a ring, as taught by Ueda. Doing so would enable the metal plate tightly fit within the hub while firmly attach the magnet thereto without requirement of precise manufacturing dimensions.

Allowable Subject Matter

Claims 3-4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-21 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

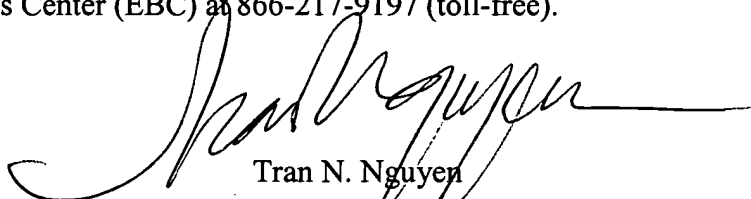
Art Unit: 2834

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tran N. Nguyen', with a long horizontal flourish extending to the right.

Tran N. Nguyen
Primary Examiner
Art Unit 2834